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ORIGINAL

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA v. KIEKERT AG, Defendant.	Case: 2:17-cr-20139 Assigned To : Edmunds, Nancy G. Referral Judge: Stafford, Elizabeth A. Assign. Date : 3/7/2017 Description: INFO USA v. KIEKERT AG (SO)

INFORMATION

The United States of America charges that:

I.

DEFENDANT AND CO-CONSPIRATORS

1. KIEKERT AG is hereby made a defendant on the charge contained in this Information.

2. KIEKERT AG ("the Defendant") is a corporation organized and existing under the laws of The Federal Republic of Germany, with its principal place of business in Heiligenhaus, Germany, and with subsidiaries in various locations in the United States and elsewhere. During the period covered by this Information, the Defendant was engaged in the business of manufacturing and selling certain side-door latches and latch minimodules (as defined in Paragraph 6 below) to Ford Motor Corporation, its subsidiaries and affiliates (collectively, "Ford") in the United States and elsewhere.

3. Other corporations and individuals, not made defendants in this Information, participated as co-conspirators in the offense charged in this Information and performed acts and made statements in furtherance of it.

4. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

II.

BACKGROUND

5. During the period covered by this Information, the Defendant and its co-conspirators supplied certain side-door latches and latch minimodules to Ford for installation in vehicles manufactured and sold in the United States and elsewhere. During the period covered by this Information, the Defendant and its co-conspirators manufactured certain side-door latches and latch minimodules: (a) in the United States for installation in vehicles manufactured and sold in the United States; and (b) in Mexico for export to the United States for installation into vehicles manufactured, and sold in the United States.

6. A side-door latch secures the door to the vehicle body and may be locked to prevent unauthorized access to the vehicle from the exterior. Latch minimodules include the side door latch and all related mechanical operating components, including the electronic lock function.

7. Before ordering certain side-door latches and latch minimodules for a new vehicle model, automobile manufacturers typically request pricing from suppliers through requests for quotation ("RFQs"). In response to the RFQs, the suppliers submit price quotes, or bids, to the automobile manufacturer.

III.

DESCRIPTION OF THE OFFENSE

8. Beginning at least as early as September 2008 until at least May 2013, the exact dates being unknown to the United States, in the Eastern District of Michigan and elsewhere, the Defendant and its co-conspirators knowingly entered into and engaged in a combination and conspiracy to suppress and eliminate competition by agreeing to allocate sales of, to rig bids for, and to fix, stabilize, and maintain the prices of certain side-door latches and latch minimodules sold to Ford in the United States and elsewhere. The combination and conspiracy engaged in by the Defendant and its co-conspirators was in unreasonable restraint of interstate and U.S. import trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

9. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the Defendant and its co-conspirators, the substantial terms of which were to allocate sales of, to rig bids for, and to fix, stabilize, and maintain the prices of certain side-door latches and latch minimodules sold to Ford in the United States and elsewhere.

IV.

MEANS AND METHODS OF THE CONSPIRACY

10. For the purpose of forming and carrying out the charged combination and conspiracy, the Defendant and its co-conspirators did those things that they combined and conspired to do, including, among other things:

(a) participating in meetings, conversations, and other communications to discuss the bids and price quotations to be submitted to Ford in the United States and elsewhere;

(b) agreeing, during those meetings, conversations, and communications, to allocate among the corporations sales of certain side-door latches and latch minimodules sold to Ford in the United States and elsewhere;

(c) agreeing, during those meetings, conversations, and communications, on bids and price quotations to be submitted to Ford in the United States and elsewhere;

(d) exchanging information on bids and price quotations to be submitted to Ford in the United States and elsewhere, in order to effectuate the agreements;

(e) submitting bids and price quotations to Ford in the United States and elsewhere in accordance with the agreements;

(f) selling certain side-door latches to Ford in the United States and elsewhere at collusive and noncompetitive prices; and

(g) accepting payment for certain side-door latches and latch minimodules sold to Ford in the United States and elsewhere at collusive and noncompetitive prices.

V.

TRADE AND COMMERCE

11. During the period covered by this Information, the Defendant and its co-conspirators sold to Ford in the United States and elsewhere substantial quantities of certain side-door latches and latch minimodules in a continuous and uninterrupted flow of interstate and U.S. import trade and commerce. In addition, substantial quantities of equipment and supplies

necessary to produce and distribute such side-door latches and latch minimodules, as well as substantial payments for such parts, traveled in interstate commerce.

12. During the period covered by this Information, the business activities of the Defendant and its co-conspirators in connection with the production and sale of certain side-door latches and latch minimodules that are the subject of this Information were within the flow of, and substantially affected, interstate and U.S. import trade and commerce.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

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Acting Assistant Attorney General

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Dated: March 6, 2017

ORIGINAL

United States District Court Eastern District of Michigan	Criminal Case Cover S

Case: 2:17-cr-20139
Assigned To : Edmunds, Nancy G.
Referral Judge: Stafford, Elizabeth A.
Assign. Date : 3/7/2017
Description: INFO USA v. KIEKERT AG (SO)

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4)[1]:	Judge Assigned:
☐ Yes ☒ No	AUSA's Initials: KCC/jyp

Case Title: USA v. Kiekert AG

County where offense occurred : Oakland

Check One: ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty**

____Indictment/ ✓ Information --- no prior complaint.
____Indictment/____Information --- based upon prior complaint [**Case number:**]
____Indictment/____Information --- based upon **LCrR 57.10 (d)** ***[Complete Superseding section below]***.

Superseding Case Information

Superseding to Case No: ____________________ **Judge:** ____________________

☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant name	**Charges**	**Prior Complaint (if applicable)**

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

March 6, 2017
Date

Kevin C. Culum /jyp

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[1] Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.